

This formal response explains how the ejector operates. The explanation is laid-out as it appears in the substitute specification for the original disclosure. The substitute specification was submitted on May 15, 2006 in the response to the Office Action mailed November 14, 2005.

According to paragraph [0005] of the specification, the object of the invention is attained according to the invention having a counter holder arranged to receive a tube, with at least one cutting tool that is movable to a cutting position on the counter holder during a cutting process, and an ejector that ejects cut-off portions of the tube. The ejector is movable relative to the counter-holder. The apparatus has a slide that is movable along the counter-holder, on which at least one cutting tool and the ejector are provided. The apparatus has a programmable control for freely setting cut-off lengths of tubular sleeves by moving the cutting tool on the slide.

Paragraph [0006] explains that the apparatus is a rational processing of a tube for the production of sleeves of different lengths which is made possible by the arrangement and constitution, according to the invention, of a slide that is movable relative to the counter-holder. Both a cutting tool and an ejector are provided on the slide. After the same or different cut-off lengths of the sleeves have been cut by means of the cutting tool, the slide is located at an end position of the tube. The ejector can then be simultaneously actuated, so that a simultaneous ejection of the sleeves from the counter-holder takes place during a return travel of the slide into its initial position for a subsequent work cycle. A displaceable element engaged by the ejector when the sleeve or sleeves is/are stripped off can be automatically guided over into an initial position of

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the ejector by the following introduction or pushing-on of the tube onto the counter holder.

Paragraph [0008] explains that, according to an advantageous embodiment of the invention, it is provided that the cutting knife and the ejector are arranged on a flange that is removably arranged on a slide.

Paragraph [0009] explains that, according to another advantageous embodiment of the invention, it is provided that the ejector has a driving element that can travel in the direction toward the counter-holder and that engages with an element on the counter-holder. It is thereby possible that, for example when the slide is repositioned from a last cutting position into a starting or null position at the beginning of the tube, an ejection of the cut-off sleeves into a travel path can simultaneously take place. An expensive mechanism that occupies a considerable constructional space is, therefore, not required in order to strip the cut-off sleeves from the counter-holder. At least two functions, in particular stripping of the sleeves and resetting of the slide into an initial position, can be simultaneously implemented in one movement process.

Paragraph [0017] of the "Detailed Description of the Invention" notes that the tube 12 is received by a counter-holder 13 that is mounted on a base frame 14 of the apparatus 11. The upper section of the base frame 14 furthermore receives a guide rail 16, on which a slide 17 is arranged to be displaceable along the counter-holder 13. A flange 18 can be fastened to the slide 17 and receives a cutting tool 19, an ejector 21, and a proximity switch 22. (See Figure 3). The range of movement of the slide 17 includes, on the one hand, an initial position 23 at the right-hand end of the guide rail 16 and an ejector position 24 at the left-hand end of the guide rail 16. The distance from the initial

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position 23 to the ejector position 24 corresponds at least to the length of the counter-holder 13 that is available for the support of a tube 12.

Paragraph [0028] explains that the ejector 21 is arranged to the left of the cutting tool 19, as the unit 35 shows. The ejector 21 has a movable bolt 39 that is movable in the direction toward the counter-holder or the ejector sleeve 41. As soon as, for example, the flange 18 has come into an ejector position 24, the ejector 21 can be driven by means of a relay or by means of a control, so that the bolt 39 engages in a groove 42 or in a correspondingly formed recess on the bolt 39. After the bolt is positively arranged in the groove 42, the slide can be guided over into the initial position 23, upon which the cut-off sleeve is ejected and is simultaneously guided away via a chute 43. Immediately before the end of the counter-holder 13, the bolt 39 is brought back into its initial position, so that the ejector sleeve 41 remains near the free end of the counter-holder 13. The counter-holder 13 is brought back to its initial position by loading a new tube 12 onto the counter-holder 13.

The above explanation of paragraph [0028] is fully supported in independent claim 39. Further explanation of the ejector and how it cooperates with the cutter and how it ejects a workpiece is highlighted in the features of the claims. Support for where the features of the claims are supported in the specification is provided in bold, italicized parentheses within the claims.

39. (Previously Presented) Apparatus for cutting tubes comprising:

a counter holder arranged to receive a tube,

said counter-holder having an ejector sleeve, mounted thereon, wherein

said ejector sleeve is movable along the counter-holder,

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at least one cutting tool that is movable to a cutting position during a cutting process,

a slide carrying the at least one cutting tool and ejector sleeve, having a driver element extendable in a direction toward the counter-holder and engaging a seating of said ejector sleeve, and (page 3, paragraphs [0008] and [0009])

a programmable control to control the movement of said slide, said cutting tool and said ejector sleeve, (page 2, paragraph [0005], page 3, paragraph [0006])

wherein the cut-off lengths of tubular sleeves is freely settable by moving said cutting tool on said slide and for actuating said driver element by engaging said seating of said ejector sleeve to strip off the sleeve or sleeves from the counter-holder. (page 3, paragraph [0008])

40. (Previously Presented) The apparatus according to claim 39; wherein said slide is arranged on a guide (page 3, paragraph [0008]) and said slide is moved on said guide parallel to said counter holder (page 5, paragraph [0016], Figure 1) by an actuating drive in dependence on a programmable cut length of said tube. (page 8, paragraph [0028])

Applicant respectfully believes that this submission fully responds to the Examiner's questions.

A three-month extension of time in which to respond to the outstanding Office Action is hereby requested. PTO-2038 authorizing credit card payment for the amount of \$510 is enclosed for the prescribed Small Entity three-month extension fee.

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Wherefore further consideration and allowance of the application as amended is respectfully requested.

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Respectfully submitted,



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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being submitted to Mail Stop Response, Art Unit 1724, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission on December 9, 2006, fax number (571) 273-8300.



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